

MEMO ENDORSED

**THE CITY OF NEW YORK
LAW DEPARTMENT**

100 CHURCH STREET
NEW YORK, NY 10007

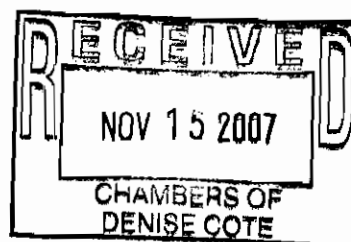
MICHAEL A. CARDOZO
Corporation Counsel

JORDAN M. SMITH
(212) 788-0869
fax: (212) 788-9776
josmith@law.nyc.gov

November 14, 2007

BY HAND DELIVERY

Honorable Denise L. Cote
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1040
New York, NY 10007



Re: William Giddens v. City of New York, et al.
07-CV-9569 (DLC)(KNF)

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, supervising the defense of the above-referenced federal civil rights lawsuit.¹ I respectfully write to request a sixty day enlargement of time for defendant City of New York to answer or otherwise respond to the complaint from November 19, 2007, to January 18, 2008. Plaintiff's counsel, Ethan Leonard, Esq., consents to this request.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. In this case, plaintiff William Giddens alleges that defendant Louis J. Palumbo, a former New York City Police Department (NYPD) detective, conspired with Mr. Palumbo's wife, defendant Julie Palumbo, and with defendant Dennis P. Griffin and other officers of the NYPD, to have plaintiff falsely arrested and maliciously prosecuted. Specifically, plaintiff alleges that defendant Louis J. Palumbo and defendant Julie Palumbo, who is plaintiff's ex-wife, required plaintiff, who resides in Florida, to pick up his daughters from his previous marriage to Julie Palumbo at the 20th Precinct of the NYPD. Plaintiff further alleges that, after arriving at the precinct at about 9:30 a.m., on August 18, 2006, to pick up his daughters, defendant Detective Griffin asked plaintiff to come upstairs to sign papers, locked him in a room, frisked him, took his pedigree information and placed him

¹ This case has been assigned to Assistant Corporation Counsel Maurice Hudson, who is presently awaiting admission to the bar and is handling this matter under my supervision. Mr. Hudson may be reached directly at (212) 788-8684.

under arrest for aggravated harassment by telephone. Plaintiff further alleges that he was then held in custody overnight, resulting in anxiety and extreme emotional distress, and was not released until his brother flew up from Florida to post \$2,000 bail the next day, and that plaintiff was required to remain in New York until the initial hearing the following week. Finally, plaintiff alleges that prior to the next hearing date, all charges against him were dismissed with prejudice in the interests of justice.

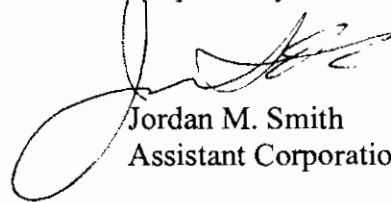
We further request an enlargement of the time to answer or otherwise respond because the records pertaining to plaintiff's arrest, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff's counsel for execution a consent and authorization for the release of those sealed records so that defendant can access the information, properly assess the case, and respond to the complaint.

An additional reason for requesting an enlargement of time is to allow this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent Detective Griffin, the individual named defendant in this action. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985)(quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985)(decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an enlargement of time to respond to the complaint has been made. Accordingly, it is respectfully requested that defendant's time to answer or otherwise respond to the complaint be enlarged from November 19, 2007, to January 18, 2008.

Thank you for your consideration of this request.

Respectfully submitted,



Jordan M. Smith
Assistant Corporation Counsel

cc: Ethan York Leonard, Esq. (by fax and mail)
Law Offices of Neal Brickman, P.C.
317 Madison Avenue, 21st Floor
New York, NY 10017
Fax: 212-986-7691

Encl.

James B. H.
November 19, 2007